



SAN
FRANCISCO
CHAMBER OF
COMMERCE

August 1, 2017

The Honorable Charles E. Grassley, Chairman
United States Senate Committee on Judiciary
135 Hart Senate Office Building
Washington, D.C. 20510-6050

The Honorable Dianne Feinstein, Ranking Member
United States Senate Committee on Judiciary
331 Dirksen Senate Office Building
Washington, D.C. 20510-6050

RE: Legislative Proposals to Split the Ninth Circuit Court of Appeals

Dear Senators:

The San Francisco Chamber of Commerce, representing over 2,500 local businesses, with over 200,000 employees, is writing in opposition to various legislative proposals to split the Ninth Circuit Court of Appeals.

While the Chamber has numerous law firms as our members, we do not purport to speak for them on this matter. We will leave that to the various state and local bar associations. Rather, we have looked at the record developed over the many decades that this issue has been debated and the business case against dividing the District. The impact on the business community was set forth clearly in Judge Carlos Bea's written testimony to the House Judiciary Committee last March. He set forth in the clearest terms the advantages to the business community from the current geographical make-up of the Ninth District;

"A decision by our Court binds courts and litigants in the whole Western area. This minimizes the risk that the law of intellectual property-copyrights and trademarks, for instance-maritime trade, labor relations, employment discrimination, for instance-will be different in Phoenix, San Francisco or Seattle."

As was pointed out by Judge Bea, the White Commission, which recommended against splitting the Ninth Circuit in 1998, stated that the uniformity of business law in the West is a strength for our commercial sectors, as compared to the conflicts found within the six circuits along the Atlantic and Gulf Coasts. The San Francisco Chamber of Commerce agrees with Judge Bea's conclusion that a geographically larger district "...allows our law to be predictable, a critical element which supports innovation and economic strength in our business communities."

Every time this issue has been raised in the Congress, judges, attorneys, litigants and bar and business associations overwhelmingly oppose splitting the Ninth District. This opposition is not based on partisanship - it is based on the factual record - a record that might lead some to believe that consolidation, not division of judicial districts would actually be in the best interest of the nation's business communities.

Sincerely,

Tallia Hart
President and CEO